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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/167,088 | 10/06/1998 | FRED D. FINKELMAN | 91830/625 | 9944 |

26874 7590 06/05/2002

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

EXAMINER

GABEL, GAILENE

| ART UNIT | PAPER NUMBER |
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1641

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
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FEB - 7 2002

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

In re Application of :
Fred Finkelman et al. :
Serial No.: 09/167,088 : WITHDRAWAL OF ABANDONMENT
Filed: October 6, 1998 :
Attorney Docket No.: 91830/625 :

This is in response to applicant's petition under 37 CFR § 1.181, filed August 13, 2001, requesting revival of the above-identified application based on a timely response to an Office action.

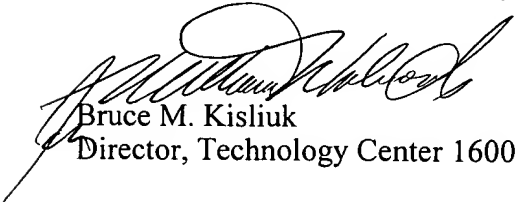
A review of the file history shows the examiner mailed an Office action to applicants on September 13, 2000, setting a three month shortened statutory period for reply. On December 11, 2000, applicants held an interview with the examiner, submitting a summary of the interview to the Office by facsimile on December 12, 2000. This was not indicated, and was not considered, to be a reply to the Office action as it merely presented amended claims for consideration by the examiner based on what was discussed at the interview. Upon failure to receive a complete reply the application was held abandoned by Notice of Abandonment mailed August 1, 2001. Applicants state a response to the Office action was submitted to the Office by Express Mail on February 13, 2001, and included a petition and fee for a two month extension of time. The facsimile transmitted copy of the petition for extension of time is directed to SN 09/231,760, which is not this application Serial No. It is presumed that the petition for extension of time was the topmost paper of those submitted and was correlated with the Serial No. given, as evidenced by a credit on Office records of a two month extension of time. All other papers contained the correct Serial No. In view of this, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

The fee for extension of time will be credited to the correct application.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


Bruce M. Kisliuk
Director, Technology Center 1600



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| EXAMINER |
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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

The holding abandonment mailed 8/1/01, has been withdrawn.

The copy or original response filed 10/14/01, has been made of record in the file.

The application has been returned to pending status.

Marissa Austi
Legal Instrument Examiner
Art Unit 1641